

AMENDED IN SENATE MAY 3, 1999

SENATE BILL

No. 351

Introduced by Senator Figueroa

*(Coauthors: Assembly Members Havice, Kuehl, Longville,
Romero, and Washington)*

February 10, 1999

An act to amend Section ~~798.32~~ 798.25 of the Civil Code,
relating to mobilehome parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 351, as amended, Figueroa. Mobilehome parks: fees.

Existing law prohibits a homeowner from being charged a fee for other than rent, utilities, and incidental reasonable charges for services actually rendered. Existing law prohibits a homeowner from being charged a fee for services actually rendered that are not listed in the rental agreement unless he or she has been given at least 60 days written notice thereof.

Existing law requires the mobilehome park management to meet with homeowners, their representatives, or both concerning any proposed change to the mobilehome park rules and to give 10 days' advance written notice of the meeting to each homeowner. Once this requirement has been satisfied, the change may be adopted as specified above.

This bill would prohibit a homeowner from being charged a fee for services actually rendered that are not listed in the rental agreement unless the fee is expressly authorized by law any amendment to the rules or regulations that would create a new fee that has not been agreed upon by the homeowners and management in the rental agreement or lease.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 798.32 of the Civil Code is~~
2 *SECTION 1. Section 798.25 of the Civil Code is*
3 *amended to read:*
4 798.25. (a) When the management proposes an
5 amendment to the park's rules and regulations, the
6 management shall meet and consult with the
7 homeowners in the park, their representatives, or both,
8 after written notice has been given to all the homeowners
9 in the park 10 days or more before the meeting. The
10 notice shall set forth the proposed amendment to the
11 park rules and regulations and shall state the date, time,
12 and location of the meeting.
13 (b) Following the meeting and consultation with the
14 homeowners, the noticed amendment to the park rules
15 and regulations may be implemented, as to any
16 homeowner, with the consent of that homeowner, or
17 without the homeowner's consent upon written notice of
18 not less than six months, except for regulations applicable
19 to recreational facilities, which may be amended without
20 homeowner consent upon written notice of not less than
21 60 days.
22 (c) Written notice to a homeowner whose tenancy
23 commences within the required period of notice of a
24 proposed amendment to the park's rules and regulations
25 under subdivision (b) shall constitute compliance with
26 this section where the written notice is given before the
27 inception of the tenancy.
28 (d) *Any amendment to rules and regulations that*
29 *creates a new fee payable by the homeowner and that has*
30 *not been expressly agreed upon by the homeowner and*
31 *management in the written rental agreement or lease,*
32 *shall be void and unenforceable.*
33 ~~amended to read:~~

1 ~~798.32. (a) A homeowner shall not be charged a fee~~
2 ~~for services actually rendered that are not listed in the~~
3 ~~rental agreement unless expressly authorized by law.~~
4 ~~(b) Those fees and charges specified in subdivision (a)~~
5 ~~shall be separately stated on any monthly or other~~
6 ~~periodic billing to the homeowner. If the fee or charge has~~
7 ~~a limited duration or is amortized for a specified period,~~
8 ~~the expiration date shall be stated on the initial notice and~~
9 ~~each subsequent billing to the homeowner while the fee~~
10 ~~or charge is billed to the homeowner.~~

